



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,617	08/06/2001	Frank J. Gangi	1355-0001C2	1740
35979	7590	09/22/2006	EXAMINER	
BRACEWELL & GIULIANI LLP P.O. BOX 61389 HOUSTON, TX 77208-1389			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3693	
DATE MAILED: 09/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/923,617	<b>Applicant(s)</b> GANGI, FRANK J.	
	<b>Examiner</b> Ella Colbert	<b>Art Unit</b> 3693	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39-59 is/are pending in the application.
- 4a) Of the above claim(s) 1-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/5/05, 10/9/03, 1/19/06, 4/24/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 39-59 are pending. Claims 1-38 have been cancelled, claim 59 has been added, and claims 39-47 and 50-56 have been amended in this communication filed 03/08/06 entered as Preliminary Amendment and Substitute Specification..
2. The IDS filed 10/09/03, 7/05/05, 1/19/06, and 04/24/06 have been reviewed and entered.
3. The Correspondence Address Change and the Change in Power of Attorney filed 12/17/04 have been entered.
4. The Miscellaneous incoming letter filed 12/28/04 has been considered and entered.

### ***Oath/Declaration***

5. It is noted there are not any prior US applications listed on the Applicants' "Declaration and Power of Attorney" under "Prior US or PCT Applications". Do the Applicants' not want to claim priority to Applications 09/618,407 and 09/087,193?

### ***Abstract***

6. The abstract of the disclosure is objected to because the Abstract contains over 150 words.

- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual

Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

Correction is required. See MPEP § 608.01(b):

***Drawings***

7. The drawings are objected to because Figure 1, element "130" is referenced as "user cluster" in the Specification and labeled "user input cluster" in the drawing and element "160" is labeled as "telephone interface" in the drawing and referenced as "keypad" in the Specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "150" has been used to designate both "keypad" and "telephone interface". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "150" and "160" have both been used to designate "keypad". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

8. The Specification is objected to because Page 4, [0011], line 5 recites "transceiver 190, ..., a radio frequency transceiver 210 and a magnetic stripe". This line would be better recited as "transceiver 190, ..., a radio frequency transceiver (RF) 210 and a magnetic stripe." Page 5, [0013], line 4 recites "an alphanumeric keypad. The user cluster 130 ...". This line would be better recited as "an alphanumeric keypad. The user input cluster 130 ...". Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 39, 49, and 58 are rejected under 35 USC 112 second paragraph.

Claim 39 recites the limitation "of the wallet consolidator" in line 1 of the body of the claim. Suggestion: The first claim limitation after the preamble should recite "of a wallet consolidator and the second claim limitation would be better recited as "at least one ... to said controller of the wallet consolidator for receiving a copy of ...; ...; and an output device connected to said controller ... stored in said memory device and transmitted to a transaction device for processing a transaction ...". Claim 58 has a similar problem. There is insufficient antecedent basis for this limitation in the claim.

Claim 49 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 49 is vague and indefinite as to where the "storing of the

Art Unit: 3693

received information” takes place because the first claim limitation recites “receiving information stored on at least one of a plurality of cards”. It is unclear where the information is from. Is the information from the stored information on one of the cards? Something is missing in the claim limitation making it unclear. First the stored information is received then the information is stored again on what or in what?

Suggestion for claim 49: “receiving information stored on at least one of a plurality of cards; storing said portion of the received information on at least one of the plurality of cards; and transmitting at least the portion of said stored information to a transaction device ... to said at least the portion of information.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Yacobi (US 5,872,844) disclosed tamper-resistant electronic wallets.

Le Roux (US 5,191,193) disclosed information being transferred by a money card with an electronic memory.

Daggar (US 5,748,737) disclosed an electronic wallet.

Nakano et al (US 5,987,438) disclosed an electronic wallet that is easy to use and has high security provided.

### ***Inquiries***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

Art Unit: 3693

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 16, 2006

  
ELLA COLBERT  
PRIMARY EXAMINER